

Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

### CHAPTER III

#### CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

##### *Article 12*

##### **Catch certificates**

1 The importation into the [<sup>F1</sup>United Kingdom] of fishery products obtained from IUU fishing shall be prohibited.

2 [<sup>F2</sup>Subject to paragraph 2A] to ensure the effectiveness of the prohibition established in paragraph 1, fishery products shall only be imported into the [<sup>F3</sup>United Kingdom] when accompanied by a catch certificate in conformity with this Regulation.

[<sup>F4</sup>2A. Catches made by fishing vessels registered under the law of the Isle of Man or any of the Channel Islands which are imported into the United Kingdom are not required to be accompanied by a catch certificate.]

3 The catch certificate referred to in paragraph 2 shall be validated by the flag [<sup>F5</sup>state] of the fishing vessel or fishing vessels which made the catches from which the fishery products have been obtained. It shall be used to certify that such catches have been made in accordance with applicable laws, regulations and international conservation and management measures.

4 The catch certificate shall contain all the information specified in the specimen shown in Annex II, and shall be validated by a public authority of the flag [<sup>F6</sup>state] with the necessary powers to attest the accuracy of the information. <sup>F7</sup>...

[<sup>F8</sup>4A. The Secretary of State may enter into arrangements with other flags states to the effect that, for fisheries products obtained from catches made by fishing vessels flying the flag of the state in question, the catch certificate may be—

- (a) in a form which does not contain all of the information specified in the specimen shown in Annex 2; or
- (b) replaced by electronic traceability systems,

provided the Secretary of State is satisfied that the same level of control by authorities is ensured.

4B. Before entering into arrangements under paragraph 4A, the Secretary of State must consult—

- (a) the Scottish Ministers;
- (b) the Welsh Ministers; and
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1005/2008, Article 12. (See end of Document for details)*

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[<sup>F95</sup> A fisheries administration may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

6. Subject to paragraph 7, the Secretary of State may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

7. Where the exercise of the power to make regulations under paragraph 5 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 6 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.]

#### Textual Amendments

- F1** Words in Art. 12(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 12(2) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 12(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 12(2A) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 12(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in Art. 12(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 12(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 12(4A)(4B) inserted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **41(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 12(5)-(7) substituted for Art. 12(5) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(5)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 1005/2008, Article 12.